

Message Text

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 3800

INFO AEC GERMANTOWN

AMEMBASSY PANAMA

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E.O.: 11652: N/A

TAGS: PARM, IAEA, PN

SUBJ: PANAMA-IAEA SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 7995, SEPT 27, 1973 - PARAS 6 & 7

1. PROVISIONAL AGENDA FOR IAEA BOARD MEETING FEBRUARY 12 INCLUDES CONSIDERATION OF SAFEGUARDS AGREEMENT BETWEEN IAEA AND PANAMA (GOV/1634) IN IMPLEMENTATION OF PANAMA'S OBJECTIVES UNDER TLATELOLCO TREATY AND STATES THAT AMENDMENTS TO DRAFT AGREEMENT WILL BE CIRCULATED PRIOR TO MEETING AS GOV/1634/MOD 1. PURPOSE OF AMENDMENTS IS TO CORRECT OVERSIGHTS IN ORIGINAL DRAFT WHICH WERE POINTED OUT PRIVATELY TO SECRETARIAT LAST SEPTEMBER BY US AND AUSTRALIAN MISSIONS. SECRETARIAT HAS CABLED PROPOSED CHANGES TO OPAMAL SECRETARIAT IN MEXICO, WHICH NEGOTIATED AGREEMENT ON BEHALF OF GOP, AND WILL CIRCULATE MOD DOCUMENT AS SOON AS OPAMAL REPORTS THAT PANAMA HAS ACCEPTED CHANGES.

2. CHANGES PROPOSED BY AGENCY ARE AS FOLLOWS:

A. DELETE ARTICLE 14, WHICH REFERS TO PANAMA'S DISCRETION TO USE NUCLEAR MATERIAL IN A NON-PROSCRIBED MILITARY ACTIVITY. THIS IS STANDARD CLAUSE IN AGREE-
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MENTS PURSUANT TO NPT WHICH PERMITS CERTAIN MILITARY

ACTIVITIES, BUT IS INAPPROPRIATE IN AGREEMENT PURSUANT TO TLA TELCO WHICH PERMITS NO MILITARY USE OF NUCLEAR MATERIAL.

B. A NEW ARTICLE WOULD BE INSERTED BETWEEN ARTICLES 90 AND 91, WHICH WOULD PROVIDE THAT NUCLEAR MATERIAL SUBJECT TO SAFEGUARDS UNDER THIS AGREEMENT COULD BE TRANSFERRED OUTSIDE PANAMA ONLY IF IT IS RETURNED TO THE STATE WHICH ORIGINALLY SUPPLIED IT TO PANAMA OR IF IT WILL BE SUBJECT TO SAFEGUARDS IN THE STATE TO WHICH IT IS TRANSFERRED. IN FORMER CASE, IF NUCLEAR MATERIAL HAS BEEN PRODUCED FROM MATERIAL WHICH IS RETURNED TO SUPPLYING STATE, PRODUCED MATERIAL MUST BE EITHER RETAINED IN PANAMA (AND THEREFORE SUBJECT TO SAFEGUARDS) OR PLACED UNDER AGENCY SAFEGUARDS IN SOME OTHER STATE.

C. PARA A OF ARTICLE 91 WOULD BE CHANGED TO READ, "PANAMA SHALL NOTIFY THE AGENCY OF ANY INTENDED TRANSFER OUT OF PANAMA OR NUCLEAR MATERIAL SUBJECT TO SAFEGUARDS UNDER THIS AGREEMENT," DELETING THE REMAINDER OF THAT PARAGRAPH.

D. ARTICLE 93 WOULD BE DELETED.

3. MISSION BELIEVES FOREGOING MODIFICATIONS WILL REMOVE POSSIBLE LOOPHOLE WHICH RESULTED FROM SECRETARIAT'S ATTEMPT TO USE STANDARD NPT-TYPE AGREEMENT FOR COUNTRY NOT PARTY TO NPT. REQUEST WE BE INSTRUCTED COCUB IN BOARD APPROVAL OF THIS AGREEMENT, AS REVISED, AT THE FEBRUARY BOARD MEETING.

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